

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 2 2 JUL 2004

To:

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

FOR FURTHER ACTION  
See paragraph 2 below

International application No.  
PCT/CZ2004/000019

International filing date (day/month/year)  
02.04.2004

Priority date (day/month/year)  
03.04.2003

International Patent Classification (IPC) or both national classification and IPC  
B60R21/20

Applicant  
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1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 56.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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IAP9 Rec'd PCT/PTO 09 DEC 2005

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☒ This opinion has been established on the basis of a translation from the original language into the following language **english**, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	3,4
	No: Claims	1,2,5,6
Inventive step (IS)	Yes: Claims	3,4
	No: Claims	1,2,5,6
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

D1: EP-A-0 884 214 (SCHMIDT GMBH R) 16 December 1998 (1998-12-16)

D2: DE 101 06 238 A (VOLKSWAGENWERK AG) 19 September 2002 (2002-09-19)

**1. Lack of novelty**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,2,5,6 is not new in the sense of Article 33(2) PCT.

**1.1 Independent claim 1:**

The document D1 discloses (the references in parentheses applying to this document): A safety airbag located in the headrest (1) of a motor vehicle seat, whereby after its activation the wings (6) extend on both sides of the headrest and forward, while between the wings there is a wedge-shaped area continuing the forward direction (wedge-shaped area that extends from the headrest 1 and the front area of the seat 4).

See in particular figures 1 and 2 and claim 10.

**1.2 Dependent claims 2,5,6:**

Dependent claims 2,5,6 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see document D1 and D2 and the corresponding passages cited in the search report.

**2. Dependent claims, positive assessment:**

The combination of the features of dependent claims 3 and 4 is neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:

As for D1:

- The safety airbag of document D1 describes an airbag with two totally separate wings staying apart from the back of the seat, when deployed and therefor does not disclose

an airbag with wing adjoining the front side of the seat in its upper part below the headrest.

- The safety airbag of document D1 does not show any connecting part between the (totally separate) wings.

As for D2:

- wings that adjoin the front side of the seat in its upper part below the headrest are not disclosed nor suggested.

- airbag 22 (Kopfstützenairbag 22) and side airbags 23 and 24 (Seitenairbags 23 and 24) are not connected by an airbag part or piece but by inflation conduits only.

It is not rendered obvious for a person skilled in the art, knowing the technical features disclosed in D1, D2 (and therefor all features of claim 1) and in the prior art to come to the results claimed by the technical features of claims 3 and 4.